

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE AIR CARGO SHIPPING SERVICES  
ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

**ORAL ARGUMENT WILL BE ON A  
DATE AND AT A TIME TO BE  
DESIGNATED BY THE COURT**

THIS DOCUMENT APPLIES TO:  
ALL ACTIONS

**NOTICE OF MOTION FOR SUMMARY JUDGMENT  
ON THE ISSUES OF DE FACTO MERGER AND MERE CONTINUATION  
BY DEFENDANT POLAR AIR CARGO WORLDWIDE, INC.**

PLEASE TAKE NOTICE THAT defendant Polar Air Cargo Worldwide, Inc. ("PACW"), pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves for summary judgment on all claims against the PACW in Plaintiffs' First Consolidated Amended Complaint, and for such other and further relief as the Court deems just and proper. The grounds for the motion are set forth in more detail in PACW's accompanying Memorandum of Law in Support of its Motion for Summary Judgment on the Issues of De Facto Merger and Mere Continuation and the supporting declarations and exhibits.

Oral argument on PACW's motion shall be on a date and at a time to be designated by the Court.

Date April 24, 2015

Respectfully submitted,

/s/ Harvey J. Wolkoff

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Worldwide, Inc.*

**CERTIFICATE OF SERVICE**

I, David A. Young, hereby certify that on April 24, 2015, a true and correct copy of the foregoing motion was served on the following via ECF:

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